

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:04-CR-39-1H
4:07-CV-86-H

ANTONIO DAVIS,

Petitioner,

v.

UNITED STATES OF AMERICA,

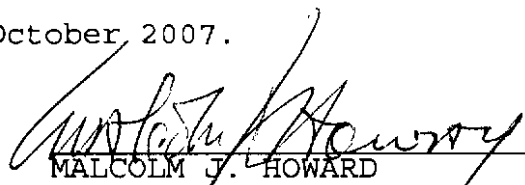
Respondent.

ORDER

This matter is before the court on petitioner's application for a certificate of appealability filed October 26, 2007. This court, having rendered the judgment dismissing petitioner's 28 U.S.C. § 2255 motion, is of the opinion that there is no justifiable basis for appeal. See Fed. R. App. P. 22(b).

Petitioner's request for the issuance of a certificate of appealability is hereby DENIED. The clerk is directed to forward a copy of this order with petitioner's Notice of Appeal to the United States Court of Appeals, U.S. Courthouse Annex, 1100 East Main St., Richmond, Virginia 23219.

This 29th day of October, 2007.


MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, NC
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